IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 27607 of 1998

Dated 29th March, 2007

Between

J.A.Azaraiah and anr

....Petitioners

and

Government of AP, rep. By its Secretary,
General Administration (Accommodation) Department, AP,
Secretariat, Hyderabad, and, anr.

...Respondents

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 27607 of 1998

ORDER:

This Writ Petition has been filed seeking Writ of Mandamus to declare the action of the respondents in rejecting the representation of the first petitioner dated 17-3-1997 by Memo No. 24404/Accom.C1/97-1, dated 28-7-1997 as illegal and arbitrary and for consequential direction to allot residential quarter bearing No.C-66 at Pattigadda Colony, Begumpet, Hyderabad in favour of the second petitioner.

The first petitioner was in Government Service and he was

allotted a government quarter bearing No.C-66 at Pattigadda Colony, Begumpet, Hyderabad while he was in government service. However, he retired from service on 31-3-1997. The second petitioner, who is also working as government teacher filed an application on 17-3-1997 for allotment of quarter, which was allotted to the first petitioner while he was in service and the same was rejected by impugned order. In this Writ Petition it is stated that as much as the second petitioner is eligible for allotment of quarter, the respondents ought to have considered the request of the second petitioner for allotment of quarter pursuant to the representation dated 17-3-1997.

Allotment of quarter is not a matter of right. The same will be considered subject to availability, eligibility, seniority among the applicants and as per Rules framed in The Allotment of Government Quarters Rules, 1973. Further, the application dated 17-3-1997 was filed by the petitioner on the eve of his retirement, as such, merely because the quarter is in occupation of the first petitioner till his retirement and by filing an application on the eve of his retirement on behalf of the second petitioner, the petitioners cannot seek continuance in the quarter. I do not find any illegality in the impugned order rejecting the request of the petitioner for allotment of quarter in favour of the second petitioner. However, at the stage of admission, this Court has granted interim orders as early as on 6-10-1998 and the said order continued all along. Further, it is submitted by the learned Counsel for the petitioners that even the second petitioner has almost attained the age of superannuation and will be retiring from service in few more months. In that view of the matter, I deem it just and proper to allow the petitioners in the said quarter for a period of six months from today.

Subject to the above observation and direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 29-03-2007.
Msnr.